

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

ALLIANCE FOR HIPPOCRATIC  
MEDICINE, et al.,

Plaintiffs,

v.

U.S. FOOD AND DRUG  
ADMINISTRATION, et al.,

Defendants.

Case No. 2:22-cv-00223-Z

**MOTION FOR LEAVE TO PROCEED WITHOUT  
LOCAL COUNSEL**

Pursuant to Federal Rule of Civil Procedure 7 and Local Rules 7.2(b) and 83.10(a), the States of Mississippi, Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, and Wyoming respectfully move for leave to proceed as amici curiae without local counsel. By separate motion, these States have sought leave to file an amicus brief in support of Plaintiffs' Motion for Preliminary Injunction (Dkt. 6) in this matter. Counsel for Plaintiffs consented to the relief sought by this motion and counsel for Defendants took no position on the relief.

The proposed amici States have legitimate interests in protecting unborn life, women's health, the medical profession's integrity, and more. Consistent with the Constitution and the Supreme Court's decision in *Dobbs v. Jackson Women's Health*

*Organization*, 142 S. Ct. 2228 (2022), these States have adopted laws regulating abortion—including chemical abortion—that reflect the considered judgments of their citizens and represent the public interest. As the States’ proposed brief explains, the actions by the U.S. Food and Drug Administration on abortion drugs contravene federal law, defy the public-interest determinations made by the amici States, and threaten to undermine the amici States’ enforcement of duly enacted laws on abortion. The States have therefore submitted a proposed amicus brief to explain why the public interest and equities support injunctive relief against the FDA’s actions on abortion drugs.

This Court may permit attorneys to proceed without local counsel with leave of the Presiding Judge. L.R. 83.10(a). Counsel for the proposed amici States do not reside or maintain an office in this district. But they are admitted to practice in this Court and are registered ECF users, and thus will not need to apply for admission *pro hac vice*. The States plan only to file an amicus brief and accompanying unopposed motion for leave in this case. The Court is likely to decide that motion without argument, *see* L.R. 7.1(g), thus minimizing the need for local counsel. Because of their limited participation in the case—and the important interests they represent—the proposed amici ask that the Court grant leave to proceed without local counsel.

**PRAYER**

The Court should grant the motion for leave to proceed without local counsel.

Dated: February 10, 2023

Respectfully submitted,

LYNN FITCH  
Attorney General

/s/ Justin L. Matheny  
SCOTT G. STEWART (MS Bar No. 106359)  
*Solicitor General*  
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### **CERTIFICATE OF CONFERENCE**

I certify that counsel for the proposed amici States have conferred with counsel for Plaintiffs and counsel for Defendants about the relief sought by this motion. Counsel for Plaintiffs consented to the relief sought by this motion and counsel for Defendants took no position on the relief.

/s/ Justin L. Matheny  
JUSTIN L. MATHENY  
*Counsel for Amici Curiae*

### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing motion has been served on all counsel of record by ECF.

Dated: February 10, 2023

/s/ Justin L. Matheny  
JUSTIN L. MATHENY  
*Counsel for Amici Curiae*